HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIM. APPLICATION NO. 6157 OF 2005
IN
APPEAL NO. 874 OF 2005

Khalid Mohd. Mubarakali Choudhary ..Applicant
Versus.
The State of Maharashtra ..Respondent.

Shri. M.Amin H.Solkar and S.H.Khalife for the Applicant.
Shri. V.B.Konde A.P.P. for the Respondent - State.

CORAM: A.M. KHANWILKAR, J.

DATE : DECEMBER 15, 2005.

P.C.

1. Heard Counsel for the parties. Appeal is already admitted on 5th October, 2005. Arguable questions have been raised on behalf of the Applicant. It is unlikely that the Appeal will be heard in near future, as Appeals of prior to year 1995 are being taken up for hearing. Applicant has already undergone eighteen months imprisonment. Therefore, the Applicant deserves to be released on bail by imposing strict conditions. It was made clear to the Counsel for the Applicant that the Applicant will have to abide by the conditions, as would be imposed, particularly not to enter the restricted areas. According to the learned A.P.P., the Applicant should not be permitted to enter into the jurisdiction of Shivaji Nagar Police Station, Mumbai and Mumbra Police Station in the District of Thane. This is because the Complainant and his relations are residing in the said

areas. There has been history of enmity between the parties which has resulted into the present offence. The Counsel for the Applicant, however, submits that there is no propriety in imposing condition of not to enter in the jurisdiction of Mumbra Police Stations; because the incidence in question took place within the jurisdiction of Shivaji Nagar Police Station, Mumbai. I find no reason to disregard the stand taken by the prosecution. The Applicant, therefore, cannot be permitted to enter the jurisdiction of Police Stations at Shivaji Nagar, Mumbai as well as Mumbra Police Station in District : Thane, during the pendency of Appeal. On this condition I am showing indulgence to the Applicant for releasing him on bail, on the following conditions.

i. The Applicant shall furnish the bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two local sureties in the like amount.

ii. The Applicant as mentioned earlier, shall not enter the jurisdiction of Shivaji Nagar, Police Station at Mumbai and Mumbra Police Station in the District of Thane, during the pendency of this Appeal.

iii. The Applicant shall report to the

nearest Police Station, where he would be ordinarily residing during the pendency of this Appeal, once in a month viz. on first Monday of English Calender Month between 10:00 a.m. to 12:00 noon. The Applicant shall furnish his latest place of residence to the concerned Police Station and copy thereof be marked to the Shivaji Nagar Police Station, Mumbai for the purpose of record. The Applicant should keep on informing the changed address, if any, to the aforesaid Police Officials.

iv. The Applicant shall surrender his passport. In case he has none, Affidavit to that effect be filed, which will be a condition for grant of bail.

v. The Applicant shall not directly or indirectly threaten the prosecution witnesses or their relations in any way whatsoever, during the pendency of the Appeal.

2. Application is granted on the above terms.

(A.M.KHANWILKAR, J.)